

Amendments to the Drawings

The attached replacement sheet of drawings includes changes to Figs. 1b and 2, where interruption "30" has been labeled. The replacement sheet is intended to replace Fig. 1b and 2 currently before the Examiner.

Attachment: Replacement Sheet

Remarks

This is a Response to the Official Action dated January 10, 2005.

Claims 1-5 are currently pending in the Application and withdrawn Claims 6-11 have been canceled without prejudice.

Claims 1-5

This response amends Claim 1 to clarify the scope of the invention. Specifically, Claim 1 has been amended to clarify that “a third portion of the electrically conductive doped channel between said first conductive layer and said second conductive layer is uncovered.” Support for this amendment may be found, for example, at Figure 2 and related portion of the specification.

Drawings

The response amends Figs. 1b and 2, by labeling interruption “30.” Support for this amendment may be found on page 4, line 20 and page 8, line 13 of the specification.

35 U.S.C. §102(e) Rejection

Claims 1-3 stand rejected under 35 U.S.C. §102(e) as being anticipated by Scott (U.S. Patent No. 6,326,675). Applicants respectfully disagree.

The Examiner is reminded that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131 quoting *Verdegaal Bros. V. Union Oil Co, of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Examiner is also reminded that “[the] identical invention must be shown in as complete detail as is contained in the ... claim.” MPEP 2131 quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The Applicants submit that Scott does not teach each and every element as set forth in the rejected claims.

Claim 1

Applicants submit that Scott does not disclose, suggest or teach, *inter alia*, at least the following features recited by Claim 1, as amended, of the present application:

“a third portion of the electrically conductive doped channel between said first conductive layer and said second conductive layer is uncovered”
(emphasis added)

The Examiner asserts that the “electrically conductive channel” as recited in Claim 1 is disclosed by Scott’s areas “10a and 12a.” See page 3, lines 14-15 of the Office Action.

Although Applicants do not agree that the “electrically conductive channel” as recited in Claim 1 is disclosed by Scott’s areas “10a and 12a,” Applicants respectfully note that even if that is the case, Scott discloses a spacer “18” that covers the areas “10a and 12a.” See Figure 1 of Scott. Because areas “10a and 12a” are covered, Scott does not teach, disclose or suggest “the electrically conductive doped channel between said first conductive layer and said second conductive layer is uncovered” (emphasis added) as recited in Claim 1.

Hence, Claim 1 is patentable over Scott and should be allowed by the Examiner. Claims 2-5, at least based on their dependency on Claim 1, are also believed to be patentable over Scott.

35 U.S.C. §103(a) Rejection

Claims 4-5 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Scott and further in view of the remark in Scott.

Applicants submit Claims 4-5, at least based on their dependency on Claim 1 is believed to be patentable over Scott, because there is no prima facie 35 USC 103(a) case based on Scott, as shown above.

Conclusion

In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

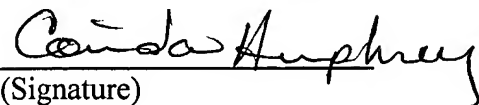
I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

May 4, 2005

(Date of Deposit)

Corinda Humphrey

(Name of Person Signing)



(Signature)

May 4, 2005

(Date)

Respectfully submitted,



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Encl:

Replacement Drawing Sheet (1 page)

One-month extension of time

Check for extension